

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**ROBYN RENEE ESSEX,**

**Plaintiff,**

**and**

**BENJAMIN D. CRAIG,**

**Intervenor-Plaintiff,**

**LARRY WINN, III,**

**Intervenor-Plaintiff,**

**FRANK BEER,**

**Intervenor-Plaintiff,**

**WILLIAM ROY, JR.,**

**Intervenor-Plaintiff,**

**PAUL T. DAVIS,**

**Intervenor-Plaintiff,**

**KANSAS SENATOR THOMAS C.  
OWENS,**

**Intervenor-Plaintiff,**

**CIVIL ACTION**

**Case No. 12-CV-04046-KHV-DJW**

**JOHN E. HENDERSON,**

**Intervenor-Plaintiff,**

**BERNIE SHANER,**

**Intervenor-Plaintiff,**

**RON WIMMER,**

**Intervenor-Plaintiff,**

**WALTER T. BERRY,**

**Intervenor-Plaintiff,**

**LYNN NICHOLS,**

**Intervenor-Plaintiff,**

**KEVIN YODER,**

**Intervenor-Plaintiff,**

**MAREARL DENNING,**

**Intervenor-Plaintiff,**

**JEFF KING,**

**Intervenor-Plaintiff,**

**STEVE ABRAMS,**

**Intervenor-Plaintiff,**



**MARY PILCHER-COOK,**  
**Kansas State Senator**

**Intervenor-Plaintiff,**

**GREGG PHILIP SNELL**

## Intervenor-Plaintiff

## CARRI PERSON

## Intervenor-Plaintiff

**V.**

**KRIS W. KOBACH,**  
**Kansas Secretary of State**

**Defendant.**

**ANSWER OF DEFENDANT KRIS W. KOBACH TO INTERVENORS BERRY AND  
NICHOLS**

COMES NOW, Defendant Kris W. Kobach in his official capacity as Kansas Secretary of State (the “Defendant”), by and through counsel himself and Ryan A. Kriegshauser and for his Answer to the intervenor complaint (amended) of Walter T. Berry and Lynn Nichols, and states the following to the best of present knowledge and belief:

**Intervenor-Plaintiffs Berry and Nichols (Amended Complaint)**

1. Defendant admits that Plaintiff Berry is a registered voter in Kansas as stated.

Defendant lacks sufficient knowledge and information to form a belief about the remainder of information contained in Paragraph 1 of the Complaint by Berry and Nichols.

2. Defendant admits that Plaintiff Nichols is a registered voter in Kansas as stated. Defendant lacks sufficient knowledge and information to form a belief about the remainder of information contained in Paragraph 1 of the Complaint by Berry and Nichols.

3. The allegations in Paragraph 3 of the Complaint by Berry and Nichols are admitted.

4. The allegations in Paragraph 4 of the Complaint by Berry and Nichols state a legal conclusion to which no response is required. Defendant admits that this Court has jurisdiction.

5. Defendant admits that the Kansas Legislature has failed to enact reapportionment plans this legislative session. The remaining allegations in Paragraph 5 of the Complaint by Berry and Nichols state a legal conclusion to which no response is required.

6. The allegations in Paragraph 6 of the Complaint by Berry and Nichols state a legal conclusion to which no response is required.

7. The allegations in Paragraph 7 of the Complaint by Berry and Nichols state a legal conclusion to which no response is required.

8. The allegations in Paragraph 8 of the Complaint by Berry and Nichols state a legal conclusion to which no response is required.

9. The allegations in Paragraph 9 of the Complaint by Berry and Nichols state legal conclusions to which no response is required. To the extent a response is required, Defendant admits that he has no statutory or administrative authority to change the congressional, legislative, and State Board of Education districts as they are defined by the Kansas Statutes. *See* K.S.A. § 4-101 *et. seq.* Defendant further admits that he is required by statute to conduct elections in the

State of Kansas and will proceed as directed by statute.

10. The allegations in Paragraph 10 of the Complaint by Berry and Nichols state legal conclusions to which no response is required. The Defendant admits that a justiciable controversy exists.

All allegations not specifically and expressly admitted herein are hereby denied.

WHEREFORE, Defendant respectfully asks this Court for the following relief:

1. The Court, through its three judge panel, issue a permanent injunction and judgment decreeing that the plan of legislative apportionment established in 2002 by the Kansas Legislature in Chapter 4 of the Kansas Statutes may not hereafter be used as a valid plan of legislative apportionment, congressional apportionment, and State Board of Education apportionment.

2. The Court issue an order including a valid plan of legislative apportionment, congressional apportionment, and State Board of Education apportionment based on maps introduced in the Kansas legislature. Alternatively, Defendant stands ready to submit valid plans of legislative apportionment, congressional apportionment, and State Board of Education apportionment for the Court's consideration and issuance.

Respectfully submitted,

**OFFICE OF THE KANSAS  
SECRETARY OF STATE**

By: /s/ Ryan A. Kriegshauser  
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Kris W. Kobach, Kan. Bar No. 17280  
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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served on counsel for Plaintiff via the Court's Electronic Filing System, this 23<sup>rd</sup> day of May, 2012.

/s/ Ryan A. Kriegshauser  
Attorney for the Defendant